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Patent
Attorney's Docket No. 000400-837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Morihito NOMURA et al.)	Group Art Unit: 3677
)	
Application No.: 09/855,701)	Examiner: M. Rodgers
)	
Filed: May 16, 2001)	Confirmation No.: 9249
)	
For: DOOR HANDLE DEVICE)	
FOR A VEHICLE)	

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In response to the Official Action issued on November 6, 2002 in connection with the above-identified application, favorable reconsideration of this application is respectfully requested in view of the following remarks.

Appreciation is expressed to Examiner Rodgers for the continued indication that Claims 9-18 are allowable and the continued indication that Claims 2-5 and 7 would be allowable if rewritten in independent form. Thus, the only claims currently at issue are independent Claim 1 and dependent Claims 6 and 8.

Before turning to the sole issue raised in the Official Action, it is noted that the three documents relied upon in this Official Action, U.S. Patent No. 6,363,577 to *Spitzley*, U.S. Patent No. 6,401,302 to *Josserand et al.*, and U.S. Patent No. 6,167,779 to *Sano et al.*, have not been cited on Form PTO-892 and made of record. While copies of those documents, particularly *Spitzley*, were also not supplied with the Official Action, applicant

obtained copies of the documents. Thus, copies need not be provided. However, to ensure that the record accurately reflects the documents considered during prosecution of this application, the Examiner is respectfully requested to provide a copy of Form PTO-892 citing *Spitzley*, *Josserand et al.* and *Sano et al.*

The Official Action sets forth a rejection of Claims 1, 6 and 8 on the basis of the disclosure contained in *Spitzley* in view of the disclosures contained in *Josserand et al.* and *Sano et al.* That rejection is respectfully traversed for at least the following reasons.

Claim 1 defines a vehicle door handle device comprised of a frame, a link and a grip-type outer handle. The frame is secured to the inside of an outer panel of a vehicle door and possesses a supporting portion as well as insertion holes. The link is rotatably mounted to the frame and is urged by the urging force of an elastic member in one rotational direction. The grip-type outer handle is mounted from outside the outer panel and is operatively associated with the link to operate the link to rotate against the urging force of the elastic member. The link is provided with a first engaging portion and axle portions each having a two faced portion. Slots are provided in the frame for inserting each of the two faced portions of the link while supporting holes are provided in the frame for rotatably supporting the axle portions. In addition, the frame is provided with a second engaging portion which engages the first engaging portion of the link to hold the link in a preliminary holding position.

The Official Action observes that the door handle described in *Spitzley* includes a frame (presumably the feature identified by reference numeral 34) having a supporting

portion 34a and several insertion holes 34g, 34j. The Official Action also observes that the vehicle door handle include a link 36, 30h, 30g which is said to be rotatably mounted to the frame 34 and urged by the urging force of the spring 38 (by way of the lever 32). This interpretation is traversed for several reasons. First, the pin structure 30h and the fin structure 30g are provided on the handle 30 rather than the pivot member 36. Thus, to the extent the pivot member 36 is interpreted as corresponding to the claimed link, the pin structure 30h and the fin structure 30g which are parts of a different features, cannot also be said to form the "link."

Nevertheless, continuing forward with the analysis based on this interpretation that the "link" includes the pivot member 36, the pin structure 30h and the fin structure 30g, it is also noted that the pivot member 36 is not urged by the urging force of the spring 38. That is, considering the interpretation in the Official Action that the elements 36, 30g, 30h constitute the "link," the pivot member 36 must be urged by the urging force of a spring to correspond to the claim language defining that the link is urged by the urging force of an elastic member in one rotational direction. This is clearly not the case with the pivot member 36 as the pivot member 36 is not urged by the spring 38 or any other spring in a rotational direction. A careful study of the disclosure contained in *Spitzley* reveals that the pivot member 36 is in fact not a link, but rather is an element used to hold the handle 30 in place relative to the frame 34.

The Official Action also comments that the frame 34 disclosed in *Spitzley* includes supporting holes 34e that rotatably support the pin structures 30h. However, those inner

surfaces 34e of the frame 34 actually receive the outer surface 36a of the pivot member 36 as clearly illustrated in Figs. 8 and 9 of *Spitzley*.

Further, the Official Action observes that the "link" 36, 30h, 30g disclosed in *Spitzley* includes a first engaging portion 34h that engages a second engaging portion on the frame to hold the link in a preliminary holding position. However, that first engaging portion 34h identified in the Official Action is not provided on the structure 36, 30h, 30g which the Official Action says corresponds to the claimed link, and thus cannot correspond to the claimed first engaging portion provided at the link.

A still further distinction involves the recitation in Claim 1 defining that the link is provided with axle portions each having a two faced portion. The Official Action recognizes that *Spitzley* does not disclose such a feature. The Examiner notes though that *Sano et al.* shows axles 6 provided with two flat surfaces 6a. From this, the Official Action concludes that it would have been obvious to provide the axles 30h disclosed in *Spitzley* with a two faced portion. However, The axles 6 described in *Sano et al.* are provided with flat surfaces 6a for reasons having little relevance to the door handle described in *Spitzley*. For example, the paragraph bridging columns 3 and 4 of *Sano et al.* discusses how the flat surfaces 6a and their angular orientation provides a particular releasing direction for the handle 2 and provides an increased contact angle between the circular arc surfaces 6b and the inner surface 7a of the bearing hole 7 on the frame 1. In the case of the door handle device disclosed in *Spitzley*, a similar arrangement would be unnecessary. That is due in part to the fact that the handle 30 in *Spitzley* is not engaged

with the frame 34 in a manner similar to that described in *Sano et al.* Instead, the handle 30 is engaged with the pivot member 36 so that the end of the handle 30 is secured in place relative to the frame 34. Also, with the door handle device disclosed in *Spitzley*, there is no need to achieve a particular releasing direction or an increased contact angle between surfaces in the same manner discussed in the paragraph bridging columns 3 and 4 of *Sano et al.* because both ends of the handle 30 described in *Spitzley* must pass through holes in the frame. In *Sano et al.*, only one end of the handle 2 is engaged with the frame 1. Thus, contrary to the observation in the Official Action, no motivation exists for employing the flat surfaces described in *Sano et al.* in the door handle device described in *Spitzley*.

In addition, even if one were somehow inclined to apply the flat surfaces described in *Sano et al.* to the door handle device described in *Spitzley*, the result would not be that which is claimed. In one respect, the axles 6 disclosed in *Sano et al.* are provided on the frame 1, whereas Claim 1 defines that the link includes the axle portions each having two faced portions.

Apparently addressing this further distinction, the Official Action takes the position that it would have been obvious to reverse the location of the parts described in *Sano et al.* by providing the handle with axles having flat surfaces and providing the frame with the slots 8a, 8b that receive the axles. This observation appears to overlook the completely different nature of the handle disclosed in *Sano et al.* compared to the handle disclosed in *Spitzley*. As noted above, the vehicle door handle disclosed in *Spitzley* is configured so that the handle 30 is held in place on the frame by the pivot member 36. Thus, the axles

30h on the handle 30 do not engage slots or holes in the frame as suggested in the Official Action. Further, to the extent the Official Action means to suggest that it would have been obvious to not only reverse the location of the axles 6 and the slots 8a, 8b disclosed in *Sano et al.* and then apply that disclosure to the door handle device described in *Spitzley* by providing axles 6 with flat surfaces 6a on the handle 30 and providing slots 8a, 8b on the frame 34 to receive those axles, there would no longer be any need for the pivot member 36 disclosed in *Spitzley*. That is because the pivot member 36 serves to secure the handle 30 in place relative to the frame 34, and so if the handle 30 is secured directly to the frame 34, there would be no need for the pivot member 36. In such a situation, the structure which the Official Action currently interprets as corresponding to the claimed link (i.e., the pivot member 36) would no longer be present and the rejection would be incapable of being sustained for other reasons.

For at least the reasons set forth above, it is submitted that the claimed vehicle door handle device defined in independent Claim 1, as well as dependent Claims 6 and 8, is patentably distinguishable over the hypothetical combination of the disclosures contained in *Spitzley*, *Josserand et al.* and *Sano et al.* Accordingly, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

As a final point, it is noted that the Official Action was accompanied by a paper discussing how to effect drawing changes. Substitute formal drawings were submitted on October 16, 2002 and there have been no objections raised with respect to those drawings.

It is thus believed that such drawings are acceptable. Should the Examiner or the Official Draftsperson believe otherwise, the undersigned respectfully requests that he be notified

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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Date: February 5, 2003



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Morihiro NOMURA et al.) Group Art Unit: 3677
Application No.: 09/855,701) Examiner: M. Rodgers
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FOR A VEHICLE)

REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and a check for ☐ \$55.00 (2814) ☐ \$110.00 (1814) to cover the requisite Government fee are also enclosed.
- ☐ Also enclosed is _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$370.00 (2801) ☐ \$740.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted _____, on _____, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

A M E N D E D C L A I M S					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims	18	MINUS 20 =	0	× \$18.00 (1202) =	0.00
Independent Claims	3	MINUS 3 =	0	× \$84.00 (1201) =	0.00
If Amendment adds multiple dependent claims, add \$280.00 (1203)					0.00
Total Amendment Fee					0.00
If small entity status is claimed, subtract 50% of Total Amendment Fee					0.00
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					0.00

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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